

Renton Shoreline Master Program- Comments to City Council beginning April 2010				
Section	Commenter	Date	Comment	Response
General	Jeanne DeMund	April 12, 2010	Although there are no “new” issues, the public is still very concerned about numerous issues. 2 issues of concern are dock and bulkhead repair. Most property owners would be eager to comply with regulations requiring new materials, even if they were more expensive, in order to maintain the size of their docks. Stone armoring is crucial to the value and existence of her home. Buffering and setback requirements are onerous compared to other jurisdictions. There is no advantage to submitting our SMP first. Under the standard of no net loss, degradation will be allowed elsewhere and it will be balanced on the backs of single-family property owners. Notification has been small and inadequate- with the process only really starting in October 2009. The survey done in 2008 was never tabulated and reviewed by staff. The SMP should be returned to the Planning Commission for further hearings.	<p>Comments noted.</p> <ul style="list-style-type: none"> Provisions have been made for dock and bulkhead repair in the draft SMP, including the type of regulations that are suggested. The entire surface of the dock may be replaced with light penetrating materials without changing the size of the dock. An existing dock is only required to comply with the new size requirements if more than 50% of the pilings, or supporting structure for floating docks, is replaced. This is consistent with City regulations for other types of non-conforming structures city-wide. When more than 50% of a non-conforming structure is changed it is considered a new structure and must comply with all requirements for new structures. Repair of existing bulkheads is allowed. If redevelopment triggers an evaluation of the necessity of the bulkhead, then those who need the bulkhead to protect their property use or primary structure will be allowed to keep the necessary armoring in place. After talking with several other jurisdictions, the regulations for setbacks and buffers are similar in effect even if they may differ in approach. Regulatory approaches differ between jurisdictions because each is based on an inventory of physical conditions and land use, which differ by community, and based on different community priorities for balancing no net loss. It is hard to pick out single standards and compare them outside of the context of the whole master program. Based on staff conversations with other jurisdictions, the regulations will be similar throughout the Puget Sound area. Single-family property owners have already been granted several provisions in the SMP that are not allowed for other properties, including City owned properties. These include- a sliding scale setback and buffer based on lot depth, the ability to build docks despite being a non-water-oriented use, and the ability to increase the size and value of a non-conforming structure within its footprint without triggering compliance with the provisions for non-conforming sites. Notification proceeded according the Public Participation Plan established for the SMP and included 3 property owner mailings. Since October 2009, there have been six months of intense public review and comment, which has resulted in a number of changes to the SMP. The survey done in 2008 did receive a small response. Staff and consultants reviewed all of the material from the surveys and considered it in outlining policy options for the Planning Commission in 2008 and 2009. Much of the information received was qualitative, not quantitative, and because the response rate was only about 5%, it never made sense to tabulate the results.
General	Darius Richards	April 12, 2010	Concerned about maintenance of docks and bulkheads. Process should slow down and consider more citizen input.	Comment noted. See responses to Jeanne DeMund’s general comment dated April 12, 2010.
General	Jayne Riggs and Stan Sivesind and Bud Dennison	April 27 2010, April 28, 2010	Council should not make a decision on this until property owners have had a chance to weigh in. The SMP is more restrictive than other communities and puts Renton property owners in a disadvantaged position.	Comment noted. See responses to Jeanne DeMund’s general comment dated April 12, 2010 for response on the comparison to other jurisdictions rules. Property owners have been notified three times of this process, once at the beginning of the public process in April 2008, and then again in October 2009 when there was a draft of the SMP regulations ready for public hearing and review. A third notification occurred in February 2010 for the second public hearing. There has been ample time and opportunity for property owners to weigh in.

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General	Anne Simpson	April 14, 2010	Renton needs a fresh start to the SMP because it goes beyond the requirements of state law. The SMP should be based on more than just the science available from state agencies.	Comment noted. The WAC requirements for SMPs vary considerably by section. In some areas the rules are very clear, and in others there is only guidance that must be interpreted by local jurisdictions based on local conditions and priorities.
General	Jim Morgan	May 3, 2010	Disappointed in the way this is being handled, as it has big impacts on property owners. Staff should consider people's property rights in making these decisions. Busy people do not have enough time to sort through all the paperwork.	Property rights have been a top consideration of staff and the Planning Commission in their review. The proposed regulations have been carefully crafted to meet state guidelines, one of which is to respect property rights. Several amendments have been made to benefit single-family property owners, beyond just the protection of property rights. Such changes include reduced setback and buffer requirements, and increased flexibility in the repair and maintenance of docks.
General	Vikki Littleman	April 30, 2010	Owns a small lot, which would be non-conforming under the proposed rules and couldn't do any major maintenance to her property. Concerned about the allowed width of docks, which are too small for safety. The SMP rules are more restrictive in Renton than other jurisdictions, which reduced property values.	<p>Non-conforming properties are allowed to make repairs and be maintained within the existing footprint of the home, without any restriction by the SMP. If there is a desire to expand the home, then some level of site improvements will be required by the proposed SMP. The level of improvement is based on the intensity of the expansion. On most small lots it is not possible to make even moderate or major expansion- only minor expansion. Minor expansion would only require the planting of native vegetation at the shoreline.</p> <p>The standards for length and width for docks are applied to new docks only. An existing dock that replaces more than 50% of its pilings is also considered a new dock. The size requirements are consistent with those requirements already in place by state and federal permitting agencies who issue permits on docks in Lake Washington. If the City allowed larger docks, it would be a disservice to property owners, who would potentially need to redesign their dock to get permits from other agencies.</p> <p>Regulations are different amongst different jurisdictions, based on differences in the conditions, characteristics, and land use along the shoreline. Thus it makes it very difficult to compare jurisdictions on an "apples to apples" basis. When viewed as a whole, though, the regulations for communities around Lake Washington are extremely consistent, even if different approaches are taken. At the present time, jurisdictions all around Lake Washington have different approaches to managing their shorelines. It has not created any loss in property values based on these regulations. Of the regulations on the books right now, Bellevue is one of the most restrictive. Their regulations in effect today are much closer to what is being proposed in Renton's SMP- yet Bellevue is a desirable place to live, with very high property values.</p>
General	Kevin Iden	May 3, 2010	Dock size restrictions are too much, and not safe. 4' is too narrow for shared docks, 6' is needed.	<p>The standards for length and width for docks are applied to new docks only. An existing dock that replaces more than 50% of its pilings is also considered a new dock. The size requirements are consistent with those requirements already in place by state and federal permitting agencies who issue permits on docks in Lake Washington. If the City allowed larger docks, it would be a disservice to property owners, who would potentially need to redesign their dock to get permits from other agencies. Under the proposed rules, shared dock owners are allowed 6' wide docks.</p> <p>The length of dock is restricted to 80' unless longer is needed to reach a depth of 8' at ordinary low water. If a longer dock is needed, it may be up to 120' or the length needed to reach 8' water, whichever comes first. If there is still an adverse circumstance, that requires a longer dock, it may be possible with a variance.</p>

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General	Anne Simpson	April 29, 2010	The City did not properly inform property owners that this process was underway, or include them in the process. If they had been notified, they would have participated more fully.	Multiple notices have been sent throughout the process, including an initial mailing to all property owners at the beginning of the process, as well as mailings to all property owners prior to each public hearing. A public participation binder documents each outreach effort, as well as who was notified and when.
General	Kermit Anderson	May 10, 2010	The Renton Rowing club hopes for a seasonal or permanent dock near the Cedar River and Lake Washington that can be used for public access to launch rowing shells.	Such a dock would be allowed under the proposed SMP.
General	Monica Fix	May 10, 2010	Majority of the homeowners will become non-conforming and will have to make improvements to their property. If she wanted to add a building to her property, even on the side away from the shoreline, she would be required to plant 80% native vegetation. Why is a buffer required, if the building doesn't relate to the shoreline at all.	<p>45% of the properties on Lake Washington are already non-conforming under our current rules. This has had no effect on the value of property, the ability to insure property, or the ability to develop property. Renton City Code protects single-family homes that are non-conforming and ensures that they can be rebuilt if destroyed by fire, for example. Creating more non-conformity is unavoidable. When the state guidelines changed, they mandated that all jurisdictions update their SMPs because few of the existing rules are consistent with the new guidelines. In order to be consistent with the new state guidelines we must change our rules, which means development that has happened under our current rules will be non-conforming.</p> <p>However, several provisions have been made to accommodate non-conforming properties- such as allowing structures to be expanded, allowing administrative variance of other setback requirements, defining expansion as enlargement of the footprint (so adding a second story, or internal remodeling doesn't trigger the rules), and setting the thresholds for expansion very high (most properties do not have room for more than a "minor" expansion which entail enlargement of the footprint by more than 500 sq.ft.). These are all special rules that allow shoreline non-conformities much more flexibility for development and re-development than a non-conforming property anywhere else in the City. As always, there is always the possibility of a variance for those who just cannot meet the rules. Most of the smaller properties on the shoreline wouldn't have been able to develop to what they have today without variances. That will always be an option, and will always be necessary, for some properties.</p> <p>With non-conforming properties, the property is "grandfathered", meaning it may be maintained and continued as normal. When a property owner wishes to expand their non-conformity, instead of prohibiting the expansion, the proposal requires those who expand their non-conformity to make improvements to the shoreline in compensation. So even though a portion of the property is non-conforming, another portion can be in conformity. This helps to achieve a number of shoreline goals, including achieving no net loss of ecological function. For example, when more impervious surface is added to a property, there is a greater need for storm water control and infiltration-two functions served by a vegetated buffer.</p>
General	James and Cindy Huse	May 11, 2010	Concerned about their home being non-conforming under the new rules.	See response to Monica Fix's letter of May 10, 2010. 45% of the properties on the shoreline now are non-conforming and there has been no trouble

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				obtaining mortgages or insurance for these properties on this basis.
General	Dr. John Burroughs	May 10, 2010	<p>The proposed rules will make the maintenance of Coulon Park expensive. If 30% of the dock must be repaired, the whole thing must be brought into compliance. The rule that if one piling is replaced the whole dock must be replaced is ridiculous. Mercer Island is a better example of reasonable restrictions.</p> <p>The SMP is not based on peer reviewed science. Experiments conducted on log booms in the late 1800's and early 1900's showed no impact on fisheries.</p> <p>The rules go beyond what is required in state guidelines, are more restrictive that what is proposed elsewhere, and would reduce property values.</p>	<p>The proposed rules have been reviewed by the Renton Parks Department and their concerns about dock maintenance and the expense of dock maintenance have been considered. A dock is only required to be brought into full compliance if more than 50% of the pilings have been removed. All of the decking and 50% of the pilings may be replaced without altering the size of the dock. Mercer Island is proposing less restrictive rules, but they are not the model we should use. Department of Ecology has confirmed in writing that Mercer Island's proposed rules are unacceptable as written for docks.</p> <p>The science behind the SMP is based on accepted, peer-reviewed science, published in scientific journals, as well as being the science accepted by state and federal agencies with shoreline jurisdiction. It includes science that has been used and accepted previously by the City of Renton in documents such as the WRIA 8 and WRIA 9 watershed plans and other regional plans. Multiple factors have influenced the Lake Washington fishery, of which shading is only a single factor. Clearly, the fishery has changed in the last 100+ years. More recent studies by Roger Tabor and others have shown that given the conditions of the fishery in Lake Washington now, overwater coverage by docks and piers does affect the behavior patterns of fish and makes them more susceptible to predation.</p> <p>The last comment is answered in the responses above.</p>
General	David Douglas	May 12, 2010	<ol style="list-style-type: none"> 1. There is no incentive for the replacing existing highly impacting overwater structures with more environmentally friendly designs which do not meet the proposed standards although they would clearly meet the "no net loss" goal the City and Ecology are proposing. Renton will be stuck with existing conditions in the nearshore area for decades if an alternative process besides a "variance" is not offered. 2. There is no clear definition for property owners to understand what their role is in achieving "no net loss of shoreline ecological functions" on their individual properties. Up to this point the City has only accomplished a plan that will declare nearly all overwater structures "nonconforming" and require them to come into conformity when any substantial amount of routine maintenance or repair is proposed. 3. Shoreline setbacks and vegetated buffers are more than necessary and those in other communities. Also, those with larger lots are being penalized simply based on lot depth. A vegetated buffer essentially represents a "no build or activity zone" and this may be illegal. Bainbridge Island is currently involved in a lawsuit for a similar reason. 4. Associating upland development with the modification or removal of nearshore or overwater structures represents a heavy burden and cost to property owners. The City of Kirkland was considering this same strategy and after review by its City Attorney decided against it. Upland development exempted from additional state and federal reviews (WDFW and Army Corps of 	<ol style="list-style-type: none"> 1. The main incentive to replace impactful overwater structures with more environmentally friendly designs is that the proposed code allows larger existing docks to be maintained as long as light penetrating materials are used for repairs over 30% of the decking. The incentive is to allow for larger docks than would be allowed if a new dock was created, and the environmental benefit is light penetration. For existing docks, staff believes this satisfies the no net loss goal from the SMP guidelines. 2. No net loss can not be applied to individual properties except at the project specific level. The City must ensure that no net loss is achieved by the SMP as a whole- meaning that our policy and regulatory provisions are adequate to achieve this standard, which is not clearly defined in the state SMP guidelines. The ultimate arbiter of programmatic level no net loss is DOE. On a project specific level, studies and evaluations are made to evaluate the impacts of a proposed project. If there are impacts that cannot be avoided or mitigated then the test of no net loss is not met for a specific project. Even without the test of no net loss, the current system for processing shoreline permits at the City of Renton uses the same criteria: potential impacts must be avoided or mitigated. Adding the concept of no net loss at the project specific level only reinforces the policies and procedures in place, while meeting the requirements of the SMP guidelines. Nearly all current structures are "non

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			<p>Engineers) should remain separate from nearshore and overwater projects.</p> <p>5. There does not appear to be any information listing boatlifts and personal watercraft lifts as permitted uses.</p> <p>6. Renton is the only local jurisdiction which requires a Lake/Stream Study for routine projects. All others simply use the SEPA Checklist and if a Biological Evaluation is completed for federal permitting a copy is provided to the local Planning Department. Can Renton drop this requirement and operate like other governments who serve the same water body?</p>	<p>conforming” in regards to established standards for docks and piers on Lake Washington under the RGP-3. Renton has proposed fairly high thresholds for repair and maintenance of existing docks- 100% of the surfacing and 50% of the pilings/understructure may be replaced without triggering full compliance.</p> <p>3. See response to Vikki Littleman’s comment on 4-30-10 for a response to the comment that Renton’s rules are more restrictive than other communities. Renton uses an approach based on lot depth because the conditions in Renton vary considerably, even within a single reach. In some communities existing development can be extremely similar in terms of lot size and setbacks- and it makes sense for those communities to establish a fixed setback and buffer. Renton, like Kirkland, does not have that condition, and proposes a setback and buffer based on the depth of the lot. Kirkland’s is fixed at 30%. Renton’s is based on a 30% standard, but is a fixed sliding scale to provide for more consistency and ease of administration. The legality of buffers and setbacks has been tested in the court system. It is also an issue that has been reviewed by the Planning Commission.</p> <p>4. The SMP proposes an incentive system for the upgrade of the shoreline area by allowing non-conforming structures to expand if upgrades are made to the shoreline. The proposed rules would not apply to any upland development, only the expansion of non-conforming development. There is no requirement that the City allow non-conforming structures to expand. Such structures could be frozen as-is and allowed only to maintain or completely redevelop in conformance with the new rules. Instead the City has proposed a win-win for the property owner whereby they are allowed to expand their structure, and the shoreline benefits as well from improved ecological function and restoration. Property owners who do not wish to make improvements at the shore may still maintain their existing home or build a new home in conformance with the rules.</p> <p>5. Boat lifts are listed on the proposed Shoreline Use Table in 4-3-090E1.</p> <p>6. The stream and lake study is necessary to ensure that the requirements of the SMP and our critical areas regulations are met. The City does not have expertise on staff to complete such an assessment. However, a Biological Evaluation, performed by a qualified biologist and required for work involving federal permitting agencies, and a good site plan drawing, required for all permits, essentially make up the stream or lake study. The requirement is thus the combination of two pieces of information that are already required in the permitting process.</p>
General	Renton Shoreline Coalition	May 11, 2010	The Draft SMP unfairly classifies virtually all existing shoreline edge improvements (e.g., existing docks, piers, and bulkheads/other shoreline armoring) as “nonconforming” and wrongfully destines them for either elimination or replacement with “conforming” shoreline improvements.	Non-conforming only means that an existing structure does not comply with the current rules that are in effect. Regardless of the SMP, most of the existing edge improvements are non-conforming to rules currently in place-

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			<p>(A) Existing shoreline edge improvements (such as existing docks, piers, and bulkheads/other shoreline armoring) are valuable parts of shoreline properties in their own right, not merely in support of existing primary uses of shoreline properties. Existing shoreline edge improvements are part of the status quo and should not be considered “continuing impacts” as the Draft SMP documents treat them. (Changes that are likely to result from <i>additional</i> development are what should be analyzed as “impacts”, not existing development.)</p> <p>(B) Existing shoreline edge improvements should be allowed to be repaired and/or replaced <i>indefinitely</i> in their current locations, sizes and configurations regardless of (1) changes in size of building footprint or impervious area on the shoreline parcel they are on or connected with, (2) remodeling or renovation of existing structures or improvements, and/or (3) changes in the principal use of the shoreline parcel. Such changes have no fair relation to the Draft SMP’s demands for “partial compliance” or “full compliance” with the Draft SMP’s standards for new shoreline edge improvements.</p> <p>(C) The SMP Guidelines’ requirement of “no net loss of shoreline ecological functions” can generally be met in regard to (1) changes in size of building footprint or impervious area on the shoreline parcel they are on or connected with, (2) remodeling or renovation of existing structures or improvements, and/or (3) changes in the principal use of the shoreline parcel without any of the Draft SMP’s new “compliance regulations” concerning shoreline edge improvements set forth in SMP Sections such as 4-10-095.F.1, 4-10-095.F.2, and 4-3-090.F.4.</p> <p>(D) The Draft SMP’s new “compliance regulations” concerning shoreline edge improvements will inappropriately impose massive, inappropriate costs and uncertainties as to approval on shoreline property owners who wish to upgrade their shoreline properties by (1) changing the size of building footprints or impervious area on their properties, (2) remodeling or renovating existing buildings or improvements, and/or (3) changing the “principal use” of the shoreline properties. If the Draft SMP is ultimately enacted in its current form, a (presumably) unintended consequence of the massive costs and uncertainties of the Draft SMP’s new “compliance regulations” will be that many such upgrades of existing shoreline properties will never even be attempted. That will be a shame for Renton.</p> <p>(E) Many of the important practical functions that existing shoreline edge improvements provide will not be provided with the City’s mandated substitutes [such as (1) sufficient dock width for safe use of docks in contrast with ultra-narrow dock widths in the Draft SMP requirements) and (2) substantial bulkheads/shoreline armoring that actually will prevent erosion of shoreline properties rather than expensive “soft” shoreline stabilization schemes that are subject to wash-out in big storms in Lake Washington or big flow events in the Cedar River, can result in massive property and environmental damage, and will have to be replaced over and over again at enormous expense].</p>	<p>whether it is federal or state rules. The proposed SMP includes provisions that allow the on-going maintenance of edge improvements for their useful life. As such improvements need to be replaced, they will be required to be replaced with conforming structures. This is a normal process that occurs with all structures. For example, if a home is built with one type of electrical system and the electrical code changes, the home no longer meets the standard. Someone can maintain and repair their electrical system installed under the old rules, but when they have to replace it, they don’t get to install another old electrical system, they must install a system that conforms with the rules in place. The same situation applies for the proposed SMP.</p> <p>A. The proposed SMP acknowledges existing edge improvements as continuing impacts because this is recognized in the SMP guidelines. Shoreline armoring is specifically enumerated as resulting in adverse impacts to shoreline functions in WAC 173-26-231(3)(a)(ii). The WAC also considers such improvements not uses in their own right, but in support of a shoreline use. In the case of docks specifically, the right to have a dock under the SMP guidelines is directly tied to the primary use of the property. Docks are only allowed for water-dependent uses, public access, and single-family residences. As such, the state guidelines firmly establish that the provision of a dock is directly tied to the use, and without it the dock may not exist in its own right. Similarly, shoreline modifications in general (including bulkheads) are only allowed where demonstrated to be necessary to protect a primary structure or existing land use. Thus, shoreline modifications do not exist in their own right under the terms of the SMP guidelines.</p> <p>B. Existing shoreline edge improvements may be repaired or replaced indefinitely, but not under the terms suggested in the comment. There are two separate issues discussed here- the maintenance of existing docks and bulkheads and the treatment of non-conforming structures. There are generous provisions for dock maintenance that allow existing docks to be maintained. Please see response to Dave Douglas’ comment on May 12, 2010 on section 4-3-090E.7.c and e for more information. In the case of non-conforming structures, the City provides an incentive system whereby non-conforming structures may be expanded if certain shoreline improvements are made. Depending on the intensity of the proposed expansion, upgrades to docks may be required. It is not a requirement that anyone participate in this incentive system- they may leave their existing property as-is and continue to maintain it as-is, or they may redevelop under the current rules. As far as changing the principle use of the site- the WAC guidelines only protect shoreline modifications that are existing to protect primary structures and legally existing shoreline uses- WAC 173-26-231(2)(a). Changes in use are considered new uses and must comply with all new requirements.</p> <p>C. There is no evidence to support this statement and it appears to be counter intuitive. The SMP proposes to establish the types of regulations that are</p>

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				<p>included in this comment, and many existing properties do not conform with these regulations. Without the incentive system whereby non-conforming properties may be expanded if shoreline site improvements are made, non-conforming properties would not be able to expand. That seems to be a greater limitation on the development of property if the only options are to stay the same or redevelop, than the proposed system which allows an intermediate alternative.</p> <p>D. There is no evidence to support this statement- particularly the uncertainties as to approval. The proposed rules are clearly stated as to what will be required for the expansion of non-conforming structures and at what thresholds. Development- including expansion or redevelopment of property costs money. Whether it is compliance with design regulations or landscaping requirements or critical area codes or any other feature of the zoning or land use code, there are requirements that may add to the costs of development. However, these rules also add to the value of the property by ensuring a consistent, predictable result that protects natural features. This is the basis of zoning in general. For most existing single-family properties there is limited room for expansion, only a small number could expand beyond the level of minor alterations, which only requires partial planting of the buffer.</p> <p>E. Dock width is consistent with the USACE RGP-3, but there are provisions for wider, shared docks- to provide an incentive for fewer docks. The SMP proposal is very clear that if bulkheads are needed they may be retained. According to the <i>Green Shorelines</i> document produced by Seattle DPD, many soft shoreline stabilization alternatives are safe and cost effective.</p>
General	Renton Shoreline Coalition	May 11, 2010	<p>The Draft SMP's call for big shoreline setbacks and vegetated buffers in highly urbanized Renton is senseless.</p> <p>(A) The big shoreline setbacks and vegetated buffers called-for in Renton's Draft SMP presuppose vast virgin lands along the City's shorelines to be protected by the Draft SMP's requirements for "Vegetation Conservation Buffers" are way too restrictive. (Vegetation cannot be "conserved where it does not exist.") Such vast virgin lands don't exist in Renton, where nearly all shoreline properties (even most City park shoreline properties) are already subject to intensive use and are not in a virgin state.</p> <p>(B) The big setback and buffer requirements unfairly require shoreline property owners to have to "make things better" if they are going to develop or redevelop their properties, not merely meet the SMP Guidelines' requirement of "no net loss of shoreline ecological functions". Shoreline property owners should not have to "make things better," especially because there is serious doubt as to whether the SMP's mandates even if implemented would actually make anything "better" at all.</p> <p>(C)The Draft SMP's setback and buffer widths should be reduced in general. They should also be revised in regard to properties where vegetative buffers either do not currently exist at all or only exist in part to allow such existing site circumstances to be taken into account to (a) further reduce the width of required setbacks and (b) eliminate or reduce the width of required vegetative buffers. Where vegetated buffers consisting of non-native vegetation (lawns, shrubs, trees and other plants) already exists, the non-native vegetation should</p>	<p>A and B. The SMP guidelines define shoreline vegetation conservation as applicable to the protection and restoration of vegetation along the shoreline that contributes to ecological functions. The 100' buffer is consistent with the buffer size adopted by City Council in 2005 when the City proposed a partial SMP amendment in conjunction with our Critical Areas Update. A 100' buffer is also required on type 2 waterbodies within the City, it doesn't make sense that the standard buffer size for a Class 1 waterbody would be lower. There is no requirement for existing shoreline properties to "make things better" or exceed no net loss, because the setback and buffer requirements are only applied to new development and redevelopment, or the expansion of existing development. Existing properties may stay as-is.</p> <p>C. Please see response to a and b, above. It doesn't make sense that a reduced buffer would be allowed on properties that have already denuded the proposed buffer area. Those properties are more likely to need a larger buffer if there is no native vegetation to allow for the proper function of that area. Non-native vegetation is not an acceptable alternative for buffer areas, as it does not provide the same ecological functions as native vegetation.</p>

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			<p>be allowed as an alternative to native vegetation in required vegetative buffers.</p> <p>(D) Along Lake Washington, the setback should be a uniform 35 feet with no buffer. Other agencies may add buffer requirements in regard to shoreline edge improvements when landowners go through the approval/permit processes of other agencies. Renton should not place additional regulations where they are not required. Neither the SMA nor the Shoreline Guidelines require minimum setbacks and buffers for developed residential shorelines like those along Lake Washington.</p> <p>(E) If enacted, the current Draft SMP's big setback and buffer requirements will stymie desirable expansion of existing waterfront homes and redevelopment of other uses on shoreline properties.</p>	<p>D. Ecology already stated that a proposal without a buffer would be unacceptable. A uniform setback/buffer does not make sense for Renton because of the vast differences in lot size along our shorelines, which is why a sliding scale is proposed. For some properties 35' represents 50% of their lot and for others it is only 15%. The sliding scale is established at about 30% of lot depth. Additionally, if such a buffer were adopted, it would increase non-conformity by about 8% over the current proposal.</p> <p>E. There is no evidence for this statement. Waterfront property is intrinsically valuable and in limited supply. There will always be a push for development on waterfront parcels.</p>
General	Renton Shoreline Coalition	May 11, 2010	<p>The Draft SMP's limitations on new docks and piers are inappropriately restrictive. The Shoreline Master Program Guidelines call for new docks and piers to be the "Minimum necessary". A minimum safe width is 6 to 8 feet. Greater lengths should be allowed in view of low water levels in Lake Washington.</p> <p>RPG3 square footage requirements are from the U.S. Army Corps of Engineers (which often grants permits not meeting those requirements). Those requirements ought not to be incorporated into the SMP.</p>	<p>The restrictions are consistent with the USACE RGP-3. The proposal does not incorporate the RGP-3 rules, it is only consistent with them, by adopting the general dimensional standards. It makes no sense for the City to approve large docks if they will not pass review at the state and federal levels, so the City has aimed for consistency with their requirements. If the requirements of state and federal agencies are changed, or if those agencies allow something not anticipated by our rules, we have a provision that allows the City to locally approve such requirements.</p>
General	Renton Shoreline Coalition	May 11, 2010	<p>The Draft SMP inappropriately requires the provision of public access to the shorelines for private development activity.</p> <p>(A) The Shoreline Management Act does not authorize the City to require the provision of physical public access for private development activity. <i>See</i> RCW 90.58.020(5) (giving preference to shoreline uses that "[i]ncrease public access to publicly owned areas of the shorelines.") (emphasis added).</p> <p>(B) Similar to the SMA, the Shoreline Guidelines in WAC 173-26-221(4) do not require that new private shoreline development provide physical and/or visual public access for the general public. <i>See</i> WAC 173-26-221(4) (stating that local SMPs "shall address public access on public lands" and encouraging other access to be consistent with private "property rights").</p> <p>(C) Consistent with well-established jurisprudence interpreting federal and state constitutions, the City cannot lawfully require the provision of physical public access for private development activity. Doing so would contravene principles of essential nexus and rough proportionality in which a condition placed on development must relate to the impact of the proposed development. Development of a site that already does not provide public access does not adversely impact public access, but rather maintains the status quo.</p> <p>(D) The Draft SMP fails to take into account the very extensive access opportunities to Lake Washington, the Cedar River and Springbrook Creek that already exist. By doing so, it fails to account for the fact that no real need exists for private shoreline owners to provide even more access for the general public.</p> <p>(E) The Draft SMP's burdensome access requirements for the general public on private property will have the effect of substantially discouraging new development and redevelopment.</p>	<p>A and B. The selected sections in this comment are only a portion of the SMA and SMP guidance on public access. This comment does not specify a section where requirements are made in the proposed SMP that are inconsistent with the SMP guidelines. This is because the City does not require the provision of public access, except where it is required under the SMP guidelines. The SMP guidelines and the proposed SMP require public access in the following situations:</p> <ul style="list-style-type: none"> - Publicly owned areas of the shorelines - For the development on non-water dependent uses on the shoreline (alternately ecological restoration may be provided in lieu of, or in combination with public access) - For residential developments of more than four parcels <p>C. The City is not placing a restriction on private development in regards to the provision of public access, it is a requirement of the state under the SMA that non-water oriented private development within shoreline jurisdiction must include either ecological restoration or public access.</p> <p>D. The SMP accounts for the opportunities for public access through Renton's many parks, trails, and open spaces, both in the <i>Inventory and Assessment</i> and in Policy SH-31. However, regardless of our inventory of public access, the SMP guidelines still require the provision of public access in the situations described in the response to comments a and b, above.</p> <p>E. These requirements come directly from the SMP guidelines. If the City</p>

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				does not comply with them, our SMP will not be accepted. Private property owners in general do not have to provide public access. Only major developments- such as housing developments creating more than four lots, and non-water dependent commercial and industrial developments have a requirement to provide public access. In both cases, the requirement may be avoided by simply not developing within shoreline jurisdiction. For non-water dependent development- there is also an option for ecological restoration in lieu of public access.
General	Renton Shoreline Coalition	May 11, 2010	<p>The Draft SMP inappropriately limits building heights.</p> <p>(A) Along much of Renton’s residentially-zoned Lake Washington shorelines, 35-foot-tall homes could appropriately be built without causing serious view obstructions for uphill residences. This is the case because of the steeply sloping areas behind many of those shoreline properties.</p> <p>(B) While the City’s residential zones currently limit single-family homes to a 30-foot height Citywide, such a limit is not reasonable along many stretches of Lake Washington waterfront. The maximum height for single family homes in the Draft SMP should be 35 feet. That would give shoreline property owners an opportunity to later request that the City amend its maximum height to 35 feet under ordinary zoning regulations in areas like much of the Lake Washington waterfront where circumstances justify allowing a greater height. The City would benefit from having more substantial lakefront homes that a greater building height would allow.</p> <p>(C) Likewise, in the proposed High Intensity District along an extensive portion of Cedar River Reach C that has one hundred-foot-plus tall hills on opposite sides of the River), the draft SMP would needlessly, inappropriately and arbitrarily limit maximum building heights to a starting height of 35-feet along the River’s setback edge rather than the full height allowed under the COR zoning of such property. With the tall hills and the lack of nearby residences with views of the Cedar River, arbitrarily limiting the height and thereby discouraging site redevelopment is poor City policy.</p> <p>(D) The City’s proposed limitation of 35 feet appears to be based upon a misreading of the SMA, which exempts from the requirement to obtain a shoreline substantial development permit, “single family residence[s]...not exceed[ing] thirty-five feet above average grade level.” RCW 90.58.030(vi). Nothing in the SMA or the implementing guidelines limits building height to 35 feet for commercial and industrial development anywhere within the shoreline district. Similarly, single-family residences exceeding 35 feet are not prohibited under the SMA or the Shoreline Guidelines, but instead would require a shoreline substantial development permit where greater heights are allowed in an adopted SMP.</p> <p>(E) Artificially limiting building heights within the High Intensity District along the portions of Cedar River Reach C will discourage needed redevelopment of aging structures. Redevelopment is necessarily more costly than new development, and artificially limiting development height increases the likelihood that site-specific redevelopment will not be financially feasible.</p>	<p>A and B. The restriction to 30’ is based on the underlying height in the residential zone. This allows up to a three story home on the property.</p> <p>C, D, and E. These concerns have been expressed by Mr. Halinen, a member of the Renton Shoreline Coalition, multiple times and answered numerous times in previous comment response documents. This comment is based on the incomplete interpretation of statute and WAC by Mr. Halinen who argues that only views from public property or from substantial numbers of existing residences is the single criteria for building height. In fact there are at least six references to aesthetic and other criteria that are relevant to height.</p> <ol style="list-style-type: none"> 1) WAC 173-26-186(5)(d)(ii)(E) <u>Aesthetic</u> objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. 2) WAC 173-26-211(2)(b)(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and <u>aesthetic</u> values, provided they do not significantly adversely impact ecological functions. 3) WAC 173-26-211(4)(b)(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and <u>aesthetic</u> qualities of shorelines of the state, including views of the water. 4) WAC 173-26-211 (4)(d) (iv) Adopt provisions, such as <u>maximum height limits</u>, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary. 5) WAC 173-26-211 (5)(b) Principles. The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the <u>visual and aesthetic</u> qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses. 6) WAC 173-26-211(6)(b)(i) Prevent impacts to water quality and storm

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				<p>water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to <u>aesthetic</u> qualities, or recreational opportunities.</p> <p>Application of these concepts to height was discussed in the Technical Memorandum “Regulatory Approach Options Specifics” available at: http://rentonwa.gov/business/default.aspx?id=15508 Aesthetic issues are one of many considerations balanced in the SMP.</p> <p>The proposed draft does not fully limit height within the high intensity designation to 35’. Instead, it allows for a gradual increase of height from 35’ at the buffer/setback line, potentially up to the full height allowed in the underlying zoning at the edge of shoreline jurisdiction. Building heights outside of shoreline jurisdiction are completely controlled by the underlying zoning.</p>
General	Renton Shoreline Coalition	May 11, 2010	<p>Overall, the current Draft SMP—a massive document for a City and one calling for micromanagement of private shoreline properties—is an inappropriate, unwarranted and unwanted “big government” intrusion into the private sphere and should be pared way back before adoption.</p> <p>There are other agencies involved with shoreline development and permitting. Renton’s SMP should be the very minimum truly <i>required</i> by applicable law.</p>	<p>Comment noted. Renton is required to update its SMP under state law to comply with the new SMP guidelines in WAC 173-26. The purpose of the state law is the management of shorelines, and the rules are quite extensive, so the result is the proposed SMP. The proposed SMP is intended to follow the requirements of the SMA as interpreted by the SMP guidelines. It is very difficult to determine what the minimum requirement is under the SMP guidelines because it is left open to interpretation based on information from the <i>Inventory</i> and the balancing of factors to achieve no net loss. Staff feels that the document achieves this balance.</p>
General	Samuel Rodabough	May 26, 2010	The City cannot condition shoreline permits for private development to require the provision of public access to the shorelines.	<p>Public access is specifically required by the SMP Guidelines in multiple sections, including 173-26-221(4)(d)(iii) specifically requires the City to provide standard for the dedication and improvement of public access for water oriented and non-water oriented uses, with few exceptions. The guidelines require that non-water oriented development be specifically conditioned upon providing a benefit consistent with the SMA, such as ecological restoration or public access, as provided in multiple sections including WAC 173-26-241(3) subsections (d)(i), (f)(i), and (j). In this way the state SMP guidelines regulate the use of the property within Shoreline jurisdiction. The only acceptable uses of the property are those that provide a benefit consistent with the SMA- it is not a condition of development.</p>
General	Samuel Rodabough	May 26, 2010	The SMA embraces the concept of “no net loss” of ecological functions of the shoreline- a “one-size-fits-all” approach to buffers is inconsistent with the no net loss standard.	<p>Mr. Rodabough mixes up several provisions of the SMP guidelines in his comment. Existing development is “grandfathered in” and does not have to apply new standards. Setbacks and buffers are development standards that are applied to new development in order to mitigate the effects of new development on the shoreline. They are a typical tool used to regulate such effects. Mr. Rodabough’s argument seems to be that if a property is in degraded condition it has the right to redevelop and maintain its degraded condition under the provisions of no net loss. This is not true. While it is accurate that no net loss is one goal of the Shoreline Management Act and WAC 173-26, enhancement and restoration is specifically mentioned numerous times. The provisions of RCW 90.58.020 are preceded by the following unquoted sentence “It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is</p>

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				<p>designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and <u>enhance</u> the public interest.</p> <p>Of specific interest is the purpose of the High Intensity Shoreline Environment in WAC 173-26-211(5)(d)(i) (in part) to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and <u>restoring</u> ecological functions in areas that have been previously degraded.</p> <p>WAC 173-26-241(3)(d) Master programs should prohibit nonwater-oriented commercial uses on the shoreline unless they meet the following criteria: (i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and <u>ecological restoration</u>; or</p> <p>173-26-231(2)(f) Plan for the <u>enhancement of impaired ecological functions</u> where feasible and appropriate while accommodating permitted uses.</p>
General	Samuel Rodabough	May 26, 2010	There is no justification for limiting building heights within Cedar River Reach C to Starting Height of 35'	<p>These concerns have been expressed by others multiple times and answered numerous times in previous comment response documents. This comment is based on the incomplete interpretation of statute and WAC who argues that only views from substantial numbers of existing residences is the single criteria for building height. In fact there are at least six references to aesthetic and other criteria that are relevant to height.</p> <ol style="list-style-type: none"> 1) WAC 173-26-186(5)(d)(ii)(E) <u>Aesthetic</u> objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. 2) WAC 173-26-211(2)(b)(v) Promote human uses and values that are compatible with the other objectives of this section, such as public access and <u>aesthetic</u> values, provided they do not significantly adversely impact ecological functions. 3) WAC 173-26-211(4)(b)(iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and <u>aesthetic</u> qualities of shorelines of the state, including views of the water. 4) WAC 173-26-211 (4)(d) (iv) Adopt provisions, such as <u>maximum height limits</u>, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary. 5) WAC 173-26-211 (5)(b) Principles. The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for

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				<p>structural shoreline stabilization measures, to improve the <u>visual and aesthetic</u> qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.</p> <p>6) WAC 173-26-211(6)(b)(i) Prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to <u>aesthetic</u> qualities, or recreational opportunities.</p> <p>Application of these concepts to height was discussed in the Technical Memorandum “Regulatory Approach Options Specifics” available at: http://rentonwa.gov/business/default.aspx?id=15508 Aesthetic issues are one of many considerations balanced in the SMP.</p> <p>The proposed draft does not fully limit height within the high intensity designation to 35’. Instead, it allows for a gradual increase of height from 35’ at the buffer/setback line, potentially up to the full height allowed in the underlying zoning at the edge of shoreline jurisdiction. Building heights outside of shoreline jurisdiction are completely controlled by the underlying zoning.</p>
General	Alexander Mackie	June 10, 2010, June 17, 2010	The SMP designates all shoreline areas as critical areas, which does not comply with recent updates to GMA. There is no evidence to support this, and most of the shoreline is already developed, so it could not be a critical area.	<p>We do not designate the shoreline as critical areas.</p> <p>However, the inventory clearly shows that these shoreline areas are key habitat areas for salmonids, including ESA listed endangered species. It demonstrates that the current level of alterations to the shoreline, or the baseline condition, are already resulting in declines in these wildlife populations. Continued development under existing regulations will perpetuate this trend. This is specifically addressed in multiple sections of the inventory, including the watershed characterization and the characterization of individual water bodies.</p> <p>This letter argues that a critical area is not a critical area if it is in impaired condition due to existing development. This is not true.</p>
General	Alexander Mackie	June 10, 2010 and June 17, 2010	The City uses a uniform buffer approach which does not consider site characteristics and creates non-conforming structures. Single-family structures would become non-conforming, but the SMA gives single family uses a priority status. Non-conforming homes, docks, and bulkheads would have to be removed without consideration of whether the no-net-loss standard is met. There is no evidence based on Best Available Science that a buffer protects existing functions on a developing shoreline. The buffer requirement goes beyond what is reasonably necessary.	<p>This comment confuses the terms non-conforming use and non-conforming structure. Single-family homes in general are a priority use, and the SMP recognizes this, as required in the state guidelines. Individual structures may not meet the proposed development standards within the shoreline, and thus be non-conforming. That condition is not protected in the state guidelines.</p> <p>There is no uniform buffer approach. Buffers are based on use, as well as adjusted specifically with the goal of reducing non-conformity, by using a sliding scale for existing single-family structures. Buffers may also be averaged on other sites.</p> <p>The comments mischaracterize the SMP as a restoration program. Existing uses and structures are allowed, and no buffer is required. Buffers are only required to mitigate the impacts of new or expanded development. Buffers are a common, acceptable, and suggested way of dealing with mitigating the impacts of development on the shoreline because they provide a transition area between the</p>

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				<p>development and the shore.</p> <p>Renton’s Inventory shows that existing land use and activities in the shoreline have substantial effects on the ecological functions and processes. This creates an on-going condition that creates degradation. Vegetation and buffers slow down, and in some cases reduce this process. This is documented in the SMP guidelines.</p> <p>BAS is not the standard that is used for shorelines, rather, it is used for critical areas regulations developed under GMA. The standard in the SMA is to consult and consider all available information and data pertinent to the shorelines.</p>
General	Alexander Mackie	June 10, 2010 and June 17, 2010	The SMP is inconsistent with the Comprehensive Plan.	<p>This is based on the assumption that the SMP identifies all shorelines as critical areas, which it does not.</p> <p>This comment does not identify any inconsistency with the Comprehensive Plan.</p>
General	Alexander Mackie	June 10, 2010 and June 17, 2010	The proposed public access provisions are not legal.	<p>Please see answer to Samuel Rodabough’s general comment on public access from May 26, 2010.</p> <p>Public access is one of the major goals of the SMA and is required in the SMP guidelines for most types of development. Renton’s SMP follows these guidelines as applicable.</p> <p>New residential development of five or more units is required to provide access under the SMP.</p> <p>The State guidelines state that non-water-oriented uses must, amongst other requirements, provide a benefit consistent with the goals of the SMA, in order to locate within the shoreline. In the guidelines for specific shoreline uses, industrial and commercial non-conforming uses are specifically directed to provide for ecological restoration and/or public access. Property owners have a number of options for property development, including developing a water-oriented use, providing public access, providing ecological restoration, or providing a combination of access and restoration. These rules are parroted in Renton’s SMP.</p> <p>Recent state appellate court case involving Whatcom County specifically addresses the provision of public access within the shoreline, and found that such requirements did not constitute a property rights violation.</p> <p>The City has a parks impact fee that is assessed to all new development, and a portion of that fee does go to provide access to the shoreline at several waterfront parks.</p>
General	Alexander	June 10,	The SMA only limits building heights to 35 ft. when residential views are blocked.	Please see answer to Samuel Rodabough’s general comment on heights from May

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	Mackie	2010 and June 17, 2010		<p>26, 2010.</p> <p>This RCW only addresses the issue of height limits in such a circumstance that residential views would be blocked, other provisions in the SMP guidelines provide for other circumstances.</p> <p>The City does not generally limit height in the High Intensity zone to 35 ft. Height is allowed to be a maximum of 35 ft. at the setback, but may be increased in many cases, to the height allowed in the underlying zoning.</p>
General	Alexander Mackie	June 10, 2010 and June 17, 2010	Requirements for docks should be consistent with state fish and wildlife and federal agency rules.	The rules are written to be compliant with the US Army Corps RGP-3 permit for Lake Washington.
General	David Douglas	June 28, 2010	Policies and regulations are supposed to ensure no net loss of ecological functions, not the restoration of ecological functions.	<p>The policies and regulations are oriented to no net loss. Existing development does not have to mitigate for its impact on development, even though we know that it is resulting in a net loss of ecological processes and functions. New and expanded development must account for its impacts and result in no net loss, which will result in more restrictions than today because today's restrictions produce a net loss.</p> <p>In this comment there are several comments on state interpretation of the SMP guidelines. Such comments are better directed to the State Department of Ecology.</p>
General	Renton Shoreline Coalition	June 24, 2010	Adds the issues raised by Alexander Mackie in his June 10 th and June 16 th letters to Council to the May 11 th list of issues for the group.	All of these issues have been responded to.
General	Renton Shoreline Coalition	July 2, 2010	The SMP inappropriately classifies developed shorelines as critical areas, which must be corrected using the language suggested in which each project is reviewed for no net loss.	<p>There are no new comments here, just some suggested wording based on previous assertions and comments. See response to Alexander Mackie June 10 and 17, 2010. The SMP does not designate all shorelines as “critical areas”. The provision of proposed code cited essentially says that it is unnecessary to prepare special Fish Habitat Conservation Area rules within the shoreline, because the proposed SMP will provide equal or better protection. This is consistent with RCW 36.70A.480(4) which requires “Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government’s critical area ordinances...”</p> <p>The proposed language in this comment suggests a process whereby the SMP presumes that existing development results in no net loss, and that only the additional impacts of new development will need to be reviewed for no net loss, but this is a false assumption. The Inventory shows that there is loss of ecological process and function that is on-going for existing development. The SMP cannot regulate existing development, but only new development, including expansions of the existing development. With the type of review suggested, there would be no accountability for cumulative impacts. “No net loss” is a concept that applies to the</p>

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				<p>program as a whole, and it is difficult in theory and practice to apply to each lot individually.</p> <p>The proposed language changes also presume that the existing level of degradation on a site is somehow allowed to continue in perpetuity, even with redevelopment, under the “no net loss” provisions. This is ridiculous.</p>
General	Renton Shoreline Coalition	July 2, 2010	<p>All existing edge improvements become non-conforming and destines them for replacement or elimination. The non-conforming provisions should decouple expansion of the home from shore improvements. The proposed language changes would exclude docks and bulkheads from the definition of non-conforming. It would also allow the applicant to submit a report claiming “no net loss” for expansions of non-conforming development. Language changes are also suggested to allow an existing dock that is damaged to be rebuilt in its current location, size, and configuration and for replacement of pilings up to 60% without . Proposes that an existing shoreline stabilization structure may be kept if not expanded, even if there is a change in use.</p>	<p>There are no new comments here. See response to comments of Sam Rodabough on May 26, 2010 and Alexander Mackie June 10 ant 17, 2010 and Renton Shoreline Coalition June 24. There is some new suggested wording based on the previous comments made.</p> <p>The proposed language in this comment suggests a process whereby the SMP presumes that existing development results in no net loss, and that only the additional impacts of new development will need to be reviewed for no net loss, but this is a false assumption. The Inventory shows that there is loss of ecological process and function that is on-going for existing development. The SMP cannot regulate existing development, but only new development, including expansions of the existing development. With the type of review suggested, there would be no accountability for cumulative impacts. “No net loss” is a concept that applies to the program as a whole, and it is difficult in theory and practice to apply to each lot individually.</p> <p>The proposed language changes also presume that the existing level of degradation on a site is somehow allowed to continue in perpetuity, even with redevelopment, under the “no net loss” provisions. This is ridiculous.</p> <p>Decoupling the non-conforming provisions would undo a major element of Renton’s SMP. There is no reason why the SMP should allow non-conforming structures to expand without the provisions to make other site upgrades. These provisions allow property owners the flexibility to expand their property, while accounting for some of the impacts of that non-conforming structure and its expansion. This section is intended to both provide flexibility for the existing property owner and to result in properties becoming more conforming over time. This is a give and take system in which the City and the property owner do their best to manage the environment, while still using the area for development.</p> <p>Changing the dock standard from replacement of 50% of the pilings to replacement of 60% of the pilings is very arbitrary. The 50% standard was chosen because it represents more than half of the understructure of the dock being replaced, and is consistent with other provisions in the RMC that say when more than half of something is replaced it is considered new.</p> <p>The goal of the repair standards for docks is to eventually replace docks with</p>

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				<p>conforming, and less impactful versions or alternatives. The standards have been set to allow 100% of the surface and 50% of the pilings to be replaced without reconfiguring or resizing the dock. That is to preserve an existing dock. A dock that is destroyed, whether suddenly or gradually, above those thresholds is a new dock and should be regulated as one.</p> <p>The provision on shoreline stabilization structures has been discussed at length. The SMP guidelines are very clear that new development must be developed to prevent or minimize the use of shoreline stabilization. The proposed language change would eliminate this requirement. The current SMP does not require the removal of shoreline stabilization outright, only the review of whether it is necessary, and whether less impactful measures are available.</p>
General	Renton Shoreline Coalition	July 2, 2010	Shoreline setbacks and buffers are too big and should be reduced. Suggests a universal standard of 35’ with no buffer, or 25’ with a buffer. The buffer is further limited to ten feet if the property is non-conforming and greater than 100’ deep, or 8’ for properties under 100’ deep.	<p>There are no new comments here. See response to comments of Sam Rodabough on May 26, 2010 and Alexander Mackie June 10 and 17, 2010 and Renton Shoreline Coalition June 24. There is some new suggested wording based on the previous comments made..</p> <p>The universal 35’ buffer will result in the creation of more non-conformity than with the proposed system. This is because there are so many small lots that cannot meet this standard (and many do not even meet our current) standard. A vegetated buffer is required for all new development in order to prevent the types of direct and cumulative effects that are being caused by existing development now. This proposed system would allow a perpetuation of the existing type of development and existing development impacts, even for new development. That is not consistent with the SMP guidelines.</p>
General	Renton Shoreline Coalition	July 2, 2010.	Limitations on new docks and piers are overly restrictive. Suggests language changes.	<p>There are no new comments here. See response to comments of Alexander Mackie June 10 and 17, 2010 and Renton Shoreline Coalition June 24. There is some new suggested wording based on the previous comments made..</p> <p>Changes similar to those suggested for 4-3-090E.7.c.ix have been made.</p> <p>For docks the comment requests a dock length of 80’ or the length needed to obtain a depth of 12’ at OLW. This standard does not limit docks, and in fact would allow significantly larger docks than have been currently allowed on Lake Washington. The proposed SMP standard allows docks that are 8’ at OLW, or 10’ at OHW (to a maximum of 120’ without a variance). This standard is set to meet the SMP guideline requirement to limit docks in extent, but still allow most single family residences a dock for craft typically associated with single-family use. Variances are always available for special circumstances, but the proposed standard should meet most needs.</p> <p>Requests a width of 6’ for docks. Staff has been asked to prepare some alternatives</p>

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				for council consideration on this issue, and so this section may be changed with some mitigation alternatives built in.
General	Renton Shoreline Coalition	July 2, 2010	Provision of public access for private development activity is inappropriate.	There are no new comments here. See response to comments of Sam Rodabough on May 26, 2010 and Alexander Mackie June 10 and 17, 2010 and Renton Shoreline Coalition June 24.
General	Renton Shoreline Coalition	July 2, 2010	Inappropriate limits on building heights. Suggests language changes.	There are no new comments here. See response to comments of Sam Rodabough on May 26, 2010 and Alexander Mackie June 10 and 17, 2010 and Renton Shoreline Coalition June 24. There is some new suggested wording based on the previous comments made. The new language suggested would increase building heights in the residential area up to 35 ft by right, which is taller than is currently allowed in the underlying R-8 zone and taller than allowed now. It would allow heights up to 45' with a substantial development permit for residential areas if views are not blocked. Such an exemption could be made with a variance under the proposed regulations if the criteria were met.
General	David Halinen and Jon Koloski	September 13, 2010	Encouragement of native conditions on the Stoneway site is inappropriate and there could be consequences up and down stream. The SMP and WAC stipulations for geotechnical reports are flawed.	This letter assumes multiple facts that are incorrect, for example, that the shoreline stabilization rules try to re-create pristine conditions on the shoreline, or that the bulkhead at the old stoneway site will be required to be removed. Some of the comments in the letter are disagreements with the provisions of the WAC shoreline guidelines. That issue must be taken up with DOE. Other components of this letter are site specific, and are components of information that need to be incorporated into a geotechnical report at the time of site specific development.
General	Renton Shoreline Coalition	September 13, 2010	Letter to committee of the whole asking for more time to resolve a number of specific issues.	These issues have all been discussed and responded to.
General	Laurie Baker	September 20, 2010	Staff has produced a complicated document with multiple errors. Staff's answers to Council questions can not be backed up with quotations or citations to relevant documents. Council should read all the documents for the SMP, including the inventory, which has maps produced in error. The SMP exceeds the no net loss principle, for which there is no policy support.	Comment noted. No changes made.
General	Jeanne DeMund	September 26, 2010	The Renton SMP does not promote economic development.	Comment noted. No changes made.
General	Laurie Baker	September 27, 2010	Bulkhead replacement is not an issue only for the Stoneway site. Staff is misleading Council as to their intentions regarding bulkheads. Staff's position is not supported by the WAC. Staff provided different information to the public. The staff's mission is to get rid of bulkheads over time.	Comment noted. No changes made.
General	Sam Rodabough	September 27, 2010	The Renton Economic Development Administrator has ignored the provisions of the SMP that work against economic development. RaMac would have to do restoration and access to get a project to pencil. The public access provisions require private developers to spend money on amenities for the public access. Why do single-family residences get treated differently than commercial? The Renton Public Works Administrator has ignored the fact that removing bulkheads have consequences for public infrastructure downstream. The Community Services Administrator doesn't acknowledge that the SMP rules have budget impacts for Renton Parks.	Comments noted and no changes made. Mr. Rodabough claims that both public access and restoration would be required to develop his client's site. However, this is not true, there are many different options for develop under the SMP. This comment assumes the maximization of development potential. Under the maximum development scenario, some aspects of restoration and public access are required because it requires the modification of the standards of the SMP. There are multiple options for providing parking for public access, including on-street parking or pay parking. The standard is in the SMP to ensure that if there is public access, then the

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				public will actually have access to it. He also claims that dedication to the City is required, and it is not. The Public Works department specifically addressed Mr. Rodabough’s concern that the removal of bulkheads would create more environmental damage in the described memo by describing how if bulkheads are removed, the banks could be engineered to prevent the impacts cited in this comment.
General	David Halinen	September 27, 2010	The SMP, particularly the shoreline stabilization provisions, are constitutionally invalid, and violate the standards of proportionality and nexus, as instituted in the landmark <i>Nolan</i> and <i>Dolan</i> cases. Compliance with these standards is required in multiple sections of the SMA and WAC guidelines.	Mr. Halinen’s claims that these provisions are a regulatory taking are invalid. The <i>Nolan</i> and <i>Dolan</i> cases specifically limit exactions from development. The provisions for evaluation of existing shoreline stabilization are not exactions. Development has costs, including studies and reports to show that the site is suitable for development. The SMP only requires that the existing shoreline stabilization is evaluated (with the possibility to change it) if there is a change of use on the property. This is supported by the WAC requirement in WAC 173-26-231(3)(a)(iii) that all new development should be located and designed to avoid the need for future shoreline use. The WAC 173-26-231(3)(a)(ii) and Renton’s shoreline inventory acknowledge that there are on-going negative cumulative impacts to new and existing shoreline armoring. As a result, there is a consequence to doing nothing in regard to existing shoreline stabilization, and to allowing existing stabilization to be perpetuated despite changes in land use. Mr. Halinen argues that the shoreline stabilization provisions exceed the no net loss standard because the impacts from the existing stabilization are part of the existing condition. However, he makes the mistake that no net loss is a site specific test, when it is a global test that the City must meet. As noted above, existing shoreline stabilization produces cumulative negative impacts to the system.
Policy SH-25 and SH-28	John Alkire	May 20, 2010	These policies encourage public access to shoreline areas, and specifically encourage foot and bicycle paths. Given the layout of our facility, and the heavy active use by trucks, cars, and other equipment such as forklifts, it would be impractical and quite unsafe to mix any public access with those activities. For safety reasons, any such public access would need to be segregated from our ongoing business activities at the site.	Additional public access at that site would only be required upon site redevelopment, such as a change in land use or construction of a new building. Policy SH-31 details the type of public access that would be appropriate in this reach- and it could easily be accommodated within the required setback and not interfere with ongoing business activities.
Policy SH-31	Karen Walter	May 20, 2010	This policy could result in dredging or filling of regulated shoreline areas and adjacent waters to support recreation. It should be deleted from the SMP because it will likely result in adverse impacts to fish habitat that cannot be sufficiently mitigated.	This comment may refer to a policy that has already been removed, as the numbering doesn’t match the comment. A review of the recreation policies does not clearly reveal any that would likely result in dredging or filling. Recreation policies are naturally balanced with other policies including conservation, uses and activities, and cultural and historic preservation.
4-3-090.C.4.c	John Alkire	May 20, 2010	This would provide that, “uses adjacent to the water’s edge and within buffer areas are reserved for water-oriented development, public access, and ecological enhancement”. As mentioned, at the Springbrook Facility there are active uses related to manufacturing and distribution near Springbrook Creek, although we would argue not technically “adjacent” to the water’s edge or within buffer areas. Certainly our ongoing uses are not water-oriented or water-dependent. We wish to be very clear with the City (as discussed further below) that those ongoing uses are fully permitted notwithstanding the quoted language.	This language is directly out of the WAC SMP guidelines, where there is a preference for water oriented uses. However, please note that the rest of the sentence (not quoted in the comment) allows all of the underlying zoning uses in the High Intensity- which would include the current uses on the property. The effect of the statement “uses adjacent to the water’s edge and within buffer areas are reserved for water-oriented development, public access, and ecological enhancement” is that if the property were to redevelop, the

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				property owner would have use the area near the water for water dependent use, ecological restoration, or public access- at their choice. If a water dependent use is not selected, the property owner can easily accommodate ecological restoration or public access within the required setback.
4-3-090D.2.c	Renton Shoreline Coalition	August 2, 2010, August 12, 2010,	The text must be changed to clarify exactly which areas of the shoreline are critical areas and which aren't. The section on Class 1 Fish and Wildlife designates all shorelines as a critical area, which is inconsistent with recent changes made by the legislature related to GMA and SMA integration.	Change made to designate natural and urban conservancy areas as Class 1 Fish and Wildlife Habitat. As a result, modification of the buffer and setback standards in these Overlays are more rigorous, in order to ensure special protection for the critical area.
4-3-090.D.2.d.iv	John Alkire	May 20, 2010	<p>We are wondering if the term “roads” in 4-3-090.D.2.d.(ix)(2) should include “parking areas” here. We have a permitted parking area near Springbrook Creek on the East side of our facility. (Similarly, the recently completed Oaksdale Commerce Center, on the North side of S.W. 34th Street, has a permitted parking area near Springbrook Creek.)</p> <p>Similarly, we are wondering if the term “improved areas” as used in 4-3-090.D.2.d.(ix)(4) would or should include roadways, truck bays, and parking areas, all of which we have on the East side of our facility, with a roadway on the South side.</p>	<p>It is not appropriate to include “parking areas” in the “roads” terminology. The idea is to limit the placement of new roads in wetland buffers. New parking areas are not allowed in wetland buffers at all, as parking can usually be accommodated on site elsewhere. If new parking cannot be accommodated elsewhere on site, then a variance would be an appropriate.</p> <p>The term improved areas would include the existing roadways, truck bays and parking areas.</p>
4-3-090.D.3.b	John Alkire	May 20, 2010	Expresses concerns about the requirements to minimize lighting impacts and screen mechanical equipment and outdoor storage for the Adventure 95 site.	These provisions would only apply to new lighting, mechanical equipment and outdoor storage. New lighting and mechanical equipment would be subject to the standards of this section- which are to minimize impacts. There are a variety of ways this may be accomplished if it is needed in the future. New outdoor storage is not allowed in the underlying zone.
4-3-090D.4 and multiple sections throughout the document	RaMac, anMarCo, and Renton Shoreline Coalition	July 2, 2010, July 30, 2010, August 2, 2010, August 9, 2010, August 12, 2010, August 13, 2010, August 26, 2010	Amend public access provisions to provide options for community access, as allowed in the WAC for residential uses. Clarify that public access is one of several options for developing property, as compelled public access is unconstitutional. Revise language to recognize legal limitations on public access provisions created by landmark cases and other legislation.	Many clarifications were made to various proposed SMP policies and code provisions related to public access concerns. A section was added to subsection D8 giving the Reviewing Official the authority to weight issues of nexus and proportionality related to shoreline permits. Community access only is allowed for short plats, and the option of submitting a community access plan for multi-family developments was created, as long as the plan allows for substantial numbers of people to enjoy the shorelines.
4-3-090D.4.b	RaMac and AnMarCo	July 23, 2010, July 30, 2010, August 9, 2010	Relax public access requirements to accommodate a River Walk development.	An essential feature of a River Walk development is its public access. A private development only open to private individuals would not be a riverwalk. There are already provisions in the proposed SMP that would allow a Riverwalk Development, as well as provisions that limit public access based on hours of operation or security concerns. Minor changes made.
4-3-090D.7.a, footnote 3,4 and affects other sections including 4-3-	RaMac and AnMarCo,	July 2, 2010, July 23, 2010, July 30, 2010, August 2,	Allow for modified vegetation conservation buffers and building setbacks with appropriate environmental studies.	This proposes to allow a greater range of buffer averaging and modifications for water oriented and non-water oriented uses. Buffers are important for the maintaining ecological functions and processes of the shorelines. The comments further suggest an alternative process for reducing buffers based on a criteria of no net loss. It may be appropriate to reduce buffer standards to

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090F1 Vegetation Conservation		2010, August 9, 2010, August 12, 2010, August 16, 2010,		accomplish other goals of the SMA, including public access or water dependent use.
4-3-090D.7.a	Renton Shoreline Coalition, RaMac, and AnMarCo	August 2, 2010, August 12, 2010, August 16, 2010	Allow increased height in the single-family overlay.	Change made. The underlying zoning would allow a maximum height of 30', but the SMA would allow a height maximum of 35'. The SMP was changed to 35' with the provision that in order to go above the 30' limit in the underlying zone a non-shoreline variance would be required.
4-3-090D.7.a, footnote 6		July 2, 2010, July 23, 2010, July 30, 2010, August 2, 2010, August 9, 2010, August 16, 2010, August 18, 2010, August 31, 2010	Allow additional building height on properties in Cedar River Reach C	A clear policy decision was made by the Planning Commission to allow limited additional height. This proposal would increase the height significantly, and a policy decision must be made by the Council to allow this. However, if increased height is allowed, provisions should be made to limit height if buildings are allowed within 100' of OHWM through buffer averaging or reduction.
4-3-090D.7.a., footnote 8	RaMac and AnMarCo and Renton Shoreline Coalition	July 2, 2010, July 30, 2010, August 9, 2010, August 12, 2010, August 16, 2010	Allow additional impervious coverage to be consistent with the standards in the underlying zoning for single-family residences and Cedar River reach C. Allow additional impervious coverage within buffer areas for high-intensity overlay properties.	For single family properties it would not be appropriate to raise the impervious surface standards because once the buffer and setback are incorporated onto the property, the standard requested would allow 100% impervious surface coverage of the remaining property in most cases. However, the proportion that is building coverage was raised to match that of the underlying zoning. For Cedar River reach C impervious standards were raised to be consistent with the COR zone, which is the predominant zone of the reach. Some additional impervious coverage was allowed in the buffer of the High Intensity Overlay for the sole purpose of accommodating public access, which is consistent with the purpose of the Overlay and the public access goals of the SMA as a whole.
4-3-090D.7.a, footnote 9	Karen Walter	May 20, 2010	This footnote would allow building coverage within 50% of the 100 foot vegetated setback area in some portions of the shoreline designated environments, including the Cedar River. As a result, it negates the purpose of the vegetated setback regulation to provide an area where shoreline riparian functions can occur and should be removed.	The footnote clearly states that no building coverage is allowed in the vegetation conservation buffer. In the case of buffer averaging, however, the buffer may be larger than 100' in some areas and smaller in others. The buffer must average to 100' and in no case be less than 50'. In the areas in which the buffer is smaller, the amount of building coverage within 100' of the OHWM is defined. At maximum this could result in building coverage of 12.5% of the area within 100' of OHWM (but could be no closer than 50'), but this would be offset by the larger buffer elsewhere on the property in

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				which no building coverage would be allowed, a maximum reduction of 25%. The net total would be a reduction of a maximum of 12.5% of the building coverage within 150' of OWHM.
4-3-090D.7a	Renton Shoreline Coalition, David Halinen, and Sam Rodabough	August 26, 2010, September 11, 2010, September 21, 2010, September 22, 2010, September 27, 2010	Extend the provision that allows impervious surface coverage in the buffer for public access to be allowed for community access as well.	Community access is a type of group private access, it is not public access. Allowing impervious coverage in the buffer limits the effectiveness of the buffer, but staff feels that it should be allowed to facilitate public access because public access is a significant goal of the SMA (and of course, is subject to no net loss). It is one thing to balance two goals of the SMA with one another (public access vs. ecological protection), it is another matter to balance one goal of the SMA (ecological protection) with a matter that is not a priority or goal of the SMA (community access).
4-3-090D7a	Renton Shoreline Coalition, David Halinen, and Sam Rodabough	August 26, 2010, September 9, 2010, September 21, 2010, September 22, 2010, September 27, 2010	Allow non-water-oriented uses to have a setback and buffer reduction that could be 65' from the OWHM.	No change made. This issue had been discussed multiple times, although it only appears in this comment. As written the SMP would allow a maximum buffer/setback reduction to 50' from OWHM for water related and water enjoyment uses, and a maximum reduction to 75' from OWHM for non-water oriented uses. This is consistent with the requirements to prioritize water-oriented uses over non-water oriented uses.
4-3-090E.1	Karen Walter	May 20, 2010	Aquaculture should be allowed in natural and urban conservancy environments. Helipads have a permanent impact on the loss of shoreline functions and adversely affect salmon habitat. They are not water dependent or water oriented uses.	Change made for aquaculture. Comment noted on helipads- which would still be subject to the no net loss standard.
4-3-090.E.5.a	John Alkire	May 20, 2010	Concerned about provisions preferring water-dependent uses and limiting outdoor storage.	Please see the responses to Mr. Alkire's comments on sections 4-3-090C.4.c and 4-3-090D.3.b.
4-3-090.E.6(d) (vii)	Karen Walter	May 20, 2010	In order to protect against elevated predation mortality, any covers on overwater structures need to be made of light transmitting materials and/or have windows and skylights to allow sufficient light to reach the water surface.	Changes made.
4-3-090E.7.b	David Douglas	May 12, 2010	<ol style="list-style-type: none"> 1. The WAC does not require single family property owners to demonstrate that adjacent owners have been contacted to develop a shared dock. Renton should not require this either. 2. The WAC does not require single family property owners to demonstrate that mooring buoys are impractical. A single family dock is a preferred water-dependent use. 	The WAC tasks the City generally with limiting shoreline modifications, including docks, in number and extent. There are specific limits on the construction of new docks, including a preference for shared or community docks, where feasible, and a requirement to restrict piers and docks to the minimum size necessary. Renton responded to these rules by requiring that property owners investigate the feasibility of alternatives to individual docks by reviewing whether or shared dock or mooring buoy is feasible. These are measures intended to limit docks in number and extent, and consistent with the SMP guidelines.
4-3-090E.7.c and e	David Douglas	May 12, 2010	Requires that docks (I trust this includes nonconforming structures) be constructed and maintained in a safe and sound condition but when property owners propose to perform what is considered to be routine repair and maintenance on existing structures they will be required to bring them into conformity. This is	Quite a bit of routine maintenance is proposed to be allowed on an existing dock before it must be reduced in size. 100% of the decking may be replaced without triggering the requirement to change the size of the dock. If repairs exceed 30% of the surface materials light penetrating materials must be used,

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			unnecessary in the WAC and expensive to the property owner.	<p>but the proposal would even allow board for board replacements up to 30% of the surface area of the dock. More than 50% of the pilings, or supporting structure for floating docks, must be removed in order for the size requirements to be triggered. These generous provisions should allow a property owner to maintain a pier or dock in good condition. If a property owner is repairing more than 50% of the pilings or support structure, that is not routine maintenance or repair, but major repair, and is considered in the proposal the same as building a new dock.</p> <p>The rules in WAC 173-27 regarding the processing of shoreline permits are not the rules that govern the completion of SMPs. Renton's SMP must comply with the guidelines in WAC 173-26 which tasks the City with many things including in 173-26-231(2)(b) to "Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent." The proposal makes a sound attempt at balancing this requirement with fairness and consistency for the owners of existing docks.</p>
4-3-090E.7.d	Karen Walter	May 20, 2010	The maximum design standards for piers and docks in the table are too large and should be downsized. We recommend that the Table be modified to match the numeric criteria found in the US Army Corps' RGP-3 Permit. The table needs additional language that requires new and redeveloped docks to fully mitigate for their impacts to salmonids and aquatic habitat. Reducing the area and effects of docks along the southern shoreline of Lake Washington, and restoring gently sloping shorelines with dense native shoreline vegetation is important to improve survival rates particularly for Cedar River Chinook.	<p>The City believes its standards for docks to be consistent with the standards for the RGP-3, without adopting those standards in full. Many times, the RGP-3 standards may be modified or adjusted by the USACE within their permitting process.</p> <p>In the general criteria in subsection a.vi it states that all new or expanded piers and docks must result in no net loss of ecological function, through avoidance, and if that doesn't work, minimization and mitigation of impacts to the shoreline.</p>
4-3-090E.7.d	Monica Fix, Renton Shoreline Coalition	June 28, 2010, August 2, 2010, August 12, 2010	Docks should be allowed to be 6' wide, and long enough to reach a depth of 12'. There should be no limitation on the number of vessels.	<p>Widening docks to 6' is not consistent with the RGP-3 standards for single-family docks and removes the incentive for joint use docks. Limiting the number of vessels allowed on a dock also limits the size and extent of the dock by reducing the number of ells and fingers needed. Additional vessels could be accommodated at a mooring buoy or pile. In the proposed planning commission draft there is already a lot of flexibility in dock length</p> <p>However, changes were made to allowed increase dock width and length.</p>
4-3-090E.7g	Karen Walter	May 20, 2010	Variances should only be allowed if there is truly no other alternative and project can fully mitigate for its impacts.	That is the intention of this section. A requirement that variances meet all the general criteria in subsection a has been added.
4-3-090E.7g	David Douglas	May 12, 2010	While the City is emphasizing its allowance for applicants to submit for a shoreline variance it does not list that approval for variances is the responsibility of Ecology and not the local government. Anyone who has experienced the variance process for overwater structures will testify that it is nearly impossible to receive approval unless there are extraordinary circumstances, which supports the very reason for a variance.	The proposed SMP rules are intended to allow for most development to occur without a variance. However, the variance process is always there for proposed developments that just can't meet the established requirements. Undoubtedly a variance does require additional processing time and poses additional review requirements. However, the City has not had the experience you describe with moving variances for DOE approval. In the past we have found that if the variance could receive local approval under our local criteria, which are not proposed for change in the SMP draft, that DOE would also

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				approve.
4-3-090E10(d)(iii)	Karen Walter	May 20, 2010	Overwater trails should not be allowed in any of the shoreline designations, particularly aquatic. An overwater trail will result in basically a very large pier or dock structure with its associated overwater coverage and piles. Since trails are usually required to be ADA accessible, the overwater trail pier or dock will likely be larger than most piers and docks used in residential settings. Piers and docks provide habitat for known salmonid predators. The jurisdictions in Lake Washington, including Renton, should be seeking to remove overwater structures, not facilitate additional structures.	These are only allowed if needed for public access and subject to standards for the protection of the existing environment and shoreline ecological functions. Such new docks and piers would be subject to the standards for docks and piers, which include light penetrating materials.
4-3-090E.10f(iv)	Karen Walter	May 20, 2010	Helicopter landing facilities are not an appropriate use on shoreline single-family lots.	Comment noted. Helipads would be subject to no net loss of ecological functions.
4-3-090.E.10.e	John Alkire	May 20, 2010	Concerned about the limitations on parking in shoreline jurisdiction.	New parking areas are not allowed in wetland buffers at all, as parking can usually be accommodated on site elsewhere. If new parking cannot be accommodated elsewhere on site, then a variance would be an appropriate.
4-3-090E.11a. (xv)	Karen Walter	May 20, 2010	New utility pipeline and cables on shorelines, where no other feasible option exists, should be required to fully mitigate their impacts including the permanent loss of restoration areas and opportunities due to their vegetation standards.	Provisions are made for this in subsection a. General Criteria for all utilities including part xii- all utilities subject to no net loss and appropriate mitigation and part xv that disturbed areas shall be restored to original condition.
4-3-090F1ci	Renton Shoreline Coalition	August 2, 2010 and August 12, 2010	Reduce setbacks for single-family lots or create a uniform setback of 35 ft. It unfairly requires large lots to have large setbacks.	Based on the condition of having a unique array of lots sizes and conditions, the Planning Commission selected a system of setbacks and buffers that worked on a sliding scale basis based on lot depth. The size of the setback was based on being approximately 30% of the lot depth. Changes were made so that the few very large lots on Lake Washington would have a maximum setback requirement of 45 ft. Options were also added that would allow permanent reductions in the required setback area (down to a minimum of 25 ft. setback) for site improvements such as reducing impervious surface, improving habitat or replacing/removing bulkheads.
4-3-090F1(g)	Karen Walter	May 20, 2010	New development should be required to fully comply with the vegetation standards. Without further definition of buffer enhancement, this regulation opens the door for substantial impacts to riparian areas and potentially limited mitigation~	This section allows buffer enhancement in areas where it may not be required, it does not limit the compliance standards for new development.
4-3-090F.1(i)(v)	Karen Walter	May 20, 2010	The maximum 30% view standard applied to trees is too high and will limit successful and necessary restoration of riparian functions along the shoreline. Trees should be allowed to be planted on redeveloped or altered lots within the vegetation buffer. Trees can be pruned so that views can provide through the tree cover, while still providing other riparian functions.	The proposed language here does not apply to new development. It is only applied to the redevelopment of existing properties, and in such cases any additional vegetation buffer is an improvement over current conditions.
4-3-090F4	AnMarCo and Renton Shoreline Coalition	August 23, 2010, August 26, 2010, September 9, 2010, and September 21, 2010	Make a number of changes to the provisions for shoreline stabilization, including allowing the retention of existing structures, despite a change in use and removing the requirement for a geotechnical report to evaluate the need for a shoreline stabilization structure.	No changes made. These requests are not supported by the WAC. WAC 173-26-231(2)(a) says to allow shoreline modification only when necessary to support a primary structure or an existing use in danger of loss. Changes in use are not protected under this provision, and it follows that they would need to demonstrate need for shoreline stabilization as a new use. The geotechnical report is the standard report required by the SMP guidelines to demonstrate need- WAC 173-26-231(3)(a)(iii)(D).
4-3-090F.4.c	AnMarCo and Renton Shoreline	September 8, 2010 and	Modify the requirements for review of shoreline stabilization when there is a change in land use or a replacement of an existing structure so that a geotechnical report is not required and the shoreline stabilization hierarchy is not invoked.	This change would undermine the key principles of the shoreline stabilization section in the WAC.

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	Coalition	September 9, 2010 and September 21, 2010		
4-8-120C	RaMac and AnMArCo	August 16, 2010	Modify the requirements that require a supplemental stream or lake study.	Changes made.
4-8-120D	Karen Walter	May 20, 2010	Supplemental Stream Study, page 126 Unclassified stream studies should be assessing the water typing using the physical criteria in WAC 222-16-03 1(3).	The proposed language references the typing criteria adopted as part of Renton’s critical area ordinance update.
4-9-190C.	John Alkire	May 20, 2010	<p>Subsection .2 would establish a \$5,000 maximum for categorical exemptions. We think that is an awfully small number.</p> <p>If, hypothetically, we wanted to reinstall our cyclone on top of the roof, would that be a “development” as you have defined that term? If so, in all likelihood the cost of the reinstallation and connection would exceed \$5,000 by a considerable amount. Were we to need a permit for any or all of the above activities, we would certainly think it unfair that that would trigger a full review under the Shoreline Management regulations.</p> <p>We respectfully suggest a threshold more in the \$50,000 to \$100,000 range would be more appropriate for this type of exemption.</p>	These exemption levels are set by state law.
4-10-095F.1 and 2	David Douglas	May 12, 2020	The City should consult with its City attorney on these provisions. Other jurisdictions have considered something similar and rejected it.	Comment noted. See response to general comments by David Douglas of the same date regarding the non-conformity provisions. Many jurisdictions have requirements or incentive systems for upgrading the shoreline- and these provisions act in that role. It provides a win-win where a non-conforming use may expand and the shoreline also gets improved.
4-10-095F	Renton Shoreline Coalition	August 2, 2010	The provisions for non-conforming structures should be eliminated. There is no reason to require upgrades to docks and bulkheads because of expansion of an existing structure. There is a burden to having a home declared non-conforming- the SMP should be changed so as not to make existing homes non-conforming.	Changes made. Language was changed so that existing single-family homes would not be termed “non-conforming” and modifications could be made to them. The docks and bulkheads and primary structure on a site are all related because they are dependent upon each other in order to be constructed. The construction of the primary structure may not have been possible without the bulkhead, yet the bulkhead has on-going impacts on the ecological processes and functions of the shoreline, as demonstrated in the language in the WAC. So if a primary structure is allowed to expand, which allows for the continuation of the impact for a longer period of time than if the structure were not allowed to expand, it makes sense that some of the impacts of the bulkhead should be mitigated. Likewise, docks are only allowed if tied to an appropriate use, and docks have impacts on the ecological processes and functions of the shoreline. Provisions that allow expansion of that use, also make it more likely that the use will be continued for a longer period of time than if expansion is limited. So it makes sense to mitigate some of the impacts of docks as well. As a result, changes were not made to remove docks and bulkheads from consideration here, or to “decouple” improvements to these site features from expansion of the primary structure. Instead the change was made to add options for different types of mitigation that might

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				be used. Additionally, some changes were made to better link the intensity of expansion development with the intensity of mitigation effort required.
4-11 Definition of Water Enjoyment Use	RaMac and AnMarCo	July 2, 2010, July 30, 2010, August 9, 2010, August 16, 2010	Include Riverwalk developments and Mixed-use developments as potential examples of a water enjoyment use.	Change made.